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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2720/2020**

SHAKTIVEL

..... Petitioner

Through: Mr Pankaj Srivastav, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr Ravi Nayak, APP for State with
SI Anuj, PS Lajpat Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.09.2020

[Hearing held through video conferencing]

CRL.M.A. 12832/2020

1. Allowed, subject to all just exceptions.

BAIL APPLN. 2720/2020

2. The petitioner has filed the present petition seeking anticipatory bail in connection with FIR No.0289/2020 under Section 33 of the Delhi Excise Act, 2009 registered with PS Lajpat Nagar.

3. It is alleged in the FIR that information had been received that a large quantity of illicit liquor had been unloaded at a spot near Damage Quarter of Madras Camp, Jal Vihar Railway and persons were carrying away the same in plastic bags. It is alleged that on receipt of such information, police officials raided the spot and found that two persons were carrying away the liquor in bags. The said two persons were pursued. While, one of them was

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apprehended at the spot, the other person threw the bag and fled from the spot. The other person has been identified as the petitioner in the present case.

4. The learned counsel appearing for the petitioner submits that he has been wrongly implicated in a false case. First of all, he was not present at the spot and his call records would establish the same. Secondly, he submits that there was no recovery effected from him. And thirdly, he states that it is not possible for any police official to have identified the petitioner as alleged in the FIR and there is no disclosure statement by the co-accused naming the petitioner.

5. Mr Nayak, learned APP submits that a disclosure statement of co-accused has been recorded and he has named the petitioner as the second person, who was involved in the said offence. He states that insofar as the call records are concerned, the same are required to be investigated.

6. Considering the above and the stage of investigation, this Court does not consider it apposite to allow the present petition. The same is, accordingly, dismissed.

7. It is clarified that any observation made in this order is only for the purpose of considering the petitioner's application for anticipatory bail and the same shall not prejudice the petitioner in any proceedings.

VIBHU BAKHRU, J

SEPTEMBER 17, 2020
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